

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

WELLPATH HOLDINGS, INC., *et al.*,¹

Debtors.

Case No. 24-90533-ARP
Chapter 11
Jointly Administered

**NOTICE OF RECLAMATION DEMAND OF
DIAMOND DRUGS, INC.**

PLEASE TAKE NOTICE that Diamond Drugs, Inc. ("Diamond"), gives notice of its reclamation demand, pursuant to section 546(c) of Title 11 of the United States Code (the "Bankruptcy Code"), section 2-702 of the Uniform Commercial Code (the "UCC"), applicable non-bankruptcy law, and any and all other applicable provisions of the Bankruptcy Code and/or the UCC, on the above-captioned debtors (collectively, the "Debtors"), to reclaim certain goods (the "Goods") sold by Diamond to the Debtors. The Goods were sold by Diamond to the Debtors in the ordinary course of business and were received by the Debtors during the forty-five (45) days prior to the Debtors' filing of their chapter 11 petitions on November 11, 2024 ("Petition Date").

PLEASE TAKE FURTHER NOTICE that upon information and belief, and based on information contained in the Debtors' disclosures, pleadings, declarations, and similar filings made by the Debtors in these jointly administered bankruptcy cases (the "Bankruptcy Cases"), the Debtors were insolvent when and on which it received the Goods from Diamond. On November 29, 2024, a written reclamation demand was made upon the Debtors (the "Reclamation Demand"), a copy of which is attached as composite **Exhibit**

1.²

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <https://dm.epiq11.com/Wellpath>. The Debtors' service address for these chapter 11 cases is 3340 Perimeter Hill Drive, Nashville, Tennessee 37211.

² The documents supporting the Reclamation Demand are voluminous and contain confidential and personal identification information. Such documents were served on the Debtors by Federal Express and on the Debtors'

PLEASE TAKE FURTHER NOTICE that Diamond reserves all of its rights with respect to the Goods, including but not limited to, its rights (i) to be paid all or any portion of any amounts owed to it pre-petition as a critical vendor consistent with the procedures established to pay critical vendors and approved by the Bankruptcy Court; (ii) to be in the ordinary course of business any amounts owed to it post-petition to the extent the Goods were delivered to the Debtors on or after the Petition Date; (iii) to assert a twenty (20) day administrative priority claim under section 503(b)(9) of the Bankruptcy Code; (iv) to assert a “new value” defense to any preference demand pursuant to section 547(c)(4) of the Bankruptcy Code; (v) to demand payment of any portion of any amounts owed to Diamond as a “cure” payment in connection with the Debtors’ potential assumption and/or assignment of any Diamond contracts determined to be executory contracts pursuant to section 365 of the Bankruptcy Code; (vi) to seek payment of its pre-petition invoices from any non-debtor parties that are co-obligors; (vii) to file additional demands or claims, including without limitation, a proof of claim; (viii) to assert its claims as a secured creditor; (ix) of setoff and recoupment; (x) to amend, correct, supplement, or modify this Notice and its Reclamation Demand; and/or (xi) to assert any other rights or claims under applicable law.

PLEASE TAKE FURTHER NOTICE that by filing this Notice, Diamond does not consent to entry of final orders of this Court on non-core issues and claims and does not waive any jurisdictional defenses.

WHEREFORE, Diamond respectfully requests that it be permitted to reclaim and recover such Goods as shown on the Reclamation Demand or, alternatively, that Diamond be granted and allowed an administrative expense claim for the value of the Goods.

counsel by email with the Reclamation Demand. Such information will be made available to additional parties upon written request and such requesting party executing an appropriate non-disclosure agreement.

DATED: November 29, 2024

Respectfully submitted,

BONDS ELLIS EPPICH SCHAFFER JONES LLP

/s/ Aaron Guerrero

Aaron Guerrero (Texas State Bar No. 24050698)

Bryan Prentice (Texas State Bar No. 24099787)

950 Echo Lane, Suite 120

Houston, Texas 77024

(713) 335-4990 telephone

(713) 335-4991 facsimile

aaron.guerrero@bondsellis.com

bryan.prentice@bondsellis.com

**COUNSEL FOR DIAMOND DRUGS, INC. AND
DIAMOND PHARMACY SERVICES**

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2024, a copy of the foregoing document was electronically filed with the Clerk of the Court, which will serve all parties who have appeared in this matter via the Court's CM/ECF system.

/s/ Aaron Guerrero

Aaron Guerrero